

SECOND DAY.

(Wednesday, July 15, 1931.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called and the following members were present:

Mr. Speaker.	Harrison
Adams of Harris.	of Waller.
Adams of Jasper.	Hatchitt.
Adamson.	Hefley.
Adkins.	Herzik.
Akin.	Hill.
Albritton.	Hines.
Alsup.	Holder.
Anderson.	Holland.
Baker.	Holloway.
Barron.	Hoskins.
Bedford.	Howsley.
Bounds.	Hubbard.
Boyd.	Hughes.
Bradley.	Jackson.
Brice.	Johnson
Brooks.	of Dallam.
Bryant.	Johnson
Burns of Walker.	of Dimmit.
Burns	Johnson of Morris.
of McCulloch.	Jones of Shelby.
Carpenter.	Jones of Atascosa.
Caven.	Justiss.
Coltrin.	Kayton.
Coombes.	Keller.
Cox of Lamar.	Kennedy.
Cox of Limestone.	Laird.
Cunningham.	Lasseter.
Dale.	Lee.
Daniel.	Lemens.
Davis.	Leonard.
DeWolfe.	Lilley.
Donnell.	Lockhart.
Dowell.	Long.
Dunlap.	McCombs.
Duvall.	McGill.
Dwyer.	McGregor.
Elliott.	Magee.
Englehard.	Martin.
Farrar.	Mathis.
Ferguson.	Mehl.
Finn.	Metcalfe.
Fisher.	Moffett.
Forbes.	Morse.
Ford.	Munson.
Fuchs.	Murphy.
Gilbert.	Nicholson.
Giles.	Olsen.
Goodman.	O'Quinn.
Graves.	Patterson.
Greathouse.	Petsch.
Grogan.	Ramsey.
Hanson.	Ratliff.
Hardy.	Ray.
Harman.	Reader.
Harrison	Richardson.
of El Paso.	Rogers.

Rountree.	Terrell
Sanders.	of Val Verde.
Satterwhite.	Towery.
Savage.	Turner.
Scott.	Van Zandt.
Shelton.	Vaughan.
Sherrill.	Veatch.
Smith of Wood.	Wagstaff.
Sparkman.	Walker.
Stephens.	Warwick.
Stevenson.	Weinert.
Steward.	West of Coryell.
Strong.	West of Cameron.
Sullivant.	Wiggs.
Terrell	Wyatt.
of Cherokee.	Young.

Absent.

Dodd.	Smith of Bastrop.
Pope.	

Absent—Excused.

Beck.	McDougald.
Bond.	Moore.
Claunch.	Tarwater.
Farmer.	Westbrook.

A quorum was announced present.

Prayer was offered by the Rev. John W. Holt, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Akin for yesterday, on motion of Mr. Sanders.

Mr. Claunch for today and the remainder of the week, on motion of Mrs. Rountree.

Mr. Westbrook for yesterday and today, on motion of Mr. Ford.

Mr. Bond and Mr. Farmer for today, on motion of Mr. Minor.

HOUSE NOTIFIED.

A committee from the Senate appeared at the bar of the House, and being duly announced, stated that the Senate is now organized and ready for the transaction of business.

MESSAGE FROM THE GOVERNOR.

Hon. Pat Dougherty, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,
July 15, 1931.

To the Members of the Forty-second Legislature:

A grave crisis confronts the State in the conservation of its natural resources. The earth's reservoirs of oil and gas are being drained and virtually thrown away, and enormous underground waste is resulting from the orgy of disorderly production.

Section 59 of the State Constitution declares: "The conservation and development of all the natural resources of this state * * * and the preservation and conservation of all such natural resources of the State are each and all hereby declared public rights and duties * * *."

Aside from these legal "public rights and duties," Texas of today owes a solemn moral obligation to Texas of tomorrow, not to exhaust and dissipate its resources needlessly so as to deprive oncoming generations of their benefits.

This applies to soil, water and other mineral resources, with equal force as to oil and gas. The impoverishment and deterioration of the State's agricultural lands, already in advanced stages in some sections, is creating a conservation problem which bids fair in the not distant future, unless checked, to attain distressing proportions, directly affecting the welfare of every farmer in the State whose soil is being sapped of its fertility through erosion and lack of proper rotation of crops. State assistance and counsel, properly directed along proven scientific lines, could do much toward preserving the quality of the soil, and spare the tillers thereof incalculable losses from diminished productivity.

Existing laws are inadequate to carry out the conservation clause of the State Constitution, and in consequence the State is suffering grievously. The oil industry, one of the State's principal sources of wealth, is demoralized and tottering on its foundations; thousands of people, directly dependent upon the industry, are going bankrupt; hundreds of thousands, perhaps millions, of others are feeling the effects indirectly; and the State itself is losing millions of dollars annually in reduced gross production tax receipts—all due to the wanton release and waste of oil and

gas which nature has been storing up for thousands of years in the subterranean sands.

So acute and disturbing has the emergency become, that citizens from all over Texas have besieged the Executive Office with telegrams, letters, petitions, long distance calls and personal visits, urging the convening of a special session of the Legislature to cope with the problem. Numerous chambers of commerce, local governing bodies, land, lease and royalty owners, business men and the vast majority of small independent oil men, have joined in the demand, pleading that immediate legislation was the only course that offered substantial relief.

Not wishing to put the State to the expense and the members to the inconvenience of an extraordinary session unnecessarily, I withheld action for several weeks, hoping that the conservation problem might be worked out through voluntary public effort. However, such effort apparently has proved fruitless; and finally, after many members of the Legislature had added their advocacy of a session and the enactment of a conservancy law, I concluded that this course should be taken.

Accordingly, I submit to your honorable body the matter of enacting legislation to make the conservation clause of the Constitution effective. And, since this clause covers "all the natural resources of this State," I believe that your legislative program should properly include the conservation of all mineral resources, of the soil and of the waters of Texas.

The soil is the basic natural resource of the State, and it is being depleted so rapidly that unless remedial steps are taken, the heirs to our agricultural lands a few generations hence will find them a worn-out, unproductive legacy. Such already has proved the case in other States where the lands have been cultivated longer, without adequate attention to conservation.

The public waters, too, are becoming more and more important as a natural resource, as the State grows. More and more they are coming into demand for power, irrigation and municipal use. While we have a water board for their conservation, we should look well to keeping our facilities abreast of the changing require-

ments of the times, lest we fail to realize the full public benefits of our waters.

Much study and consultation has strengthened my belief that conservation of our natural resources could best be achieved through a unified program of effort for conserving all natural resources. And so I commend this idea to your earnest consideration, confident of your wisdom to work out a constructive plan that will meet the emergency, give effect to the Constitution, and safeguard the State's interest in its natural properties, now and in the future.

Respectfully submitted,

R. S. STERLING,
Governor.

PROVIDING FOR PRE-SESSION PAY FOR CERTAIN EMPLOYES.

Mr. Warwick offered the following resolution:

Resolved, That the following be allowed pre-session per diem for work in preparing the House for organization:

Chief Clerk, one day.
Secretary to Chief Clerk, one day.
Clerk of Contingent Expenses, one day.
Sergeant-at-Arms, one day.
Chief Operator voting machine, one day.

The resolution was read second time and was adopted.

EMPLOYES APPOINTED.

The Speaker announced the appointment of the following employees:

Parliamentarian, Read Granberry.
Secretary to the Speaker, Maude Nowlin.
Clerk to the Speaker, Ross Terry.
Porter for the Speaker, Joe Kemble.
Secretary to the Chief Clerk, Madge Baker.
Clerk to Chief Clerk, James Wiginton.
Page to Chief Clerk, Gates Steen.
Warrant Clerk, Susie Rudasill.
Assistant to Journal Clerk, Gussie Evans.
Assistant to Calendar Clerk, Burke Smith.
Stenographer for Committee on Appropriations, Bertha Johnson.
Superintendent of Stenographers, John G. Ross.

Mailing Clerk, Miss Lucy Read.
Assistant Mailing Clerk, Mildred Cannon.

Superintendent of House, Mrs. W. M. Dickinson.

Page for Doorkeeper, Allan Roberts.

Page for Assistant Doorkeeper, Olin Crow.

Page for Engrossing and Enrolling Clerks, Douglas King.

Page for stenographic force, Wilbur Taylor.

Mimeograph Clerk, George Black.

Secretary for Mr. Van Zandt, Mrs. Olan Van Zandt.

Secretary for Mr. Alsup, O. B. Barber.

Bookkeeper for the Sergeant-at-Arms, J. T. Hamilton.

Assistant Sergeant-at-Arms, F. F. Parker.

Storekeeper to Sergeant-at-Arms, Billie Davis.

Clerk to Sergeant-at-Arms, Jessie Hellums.

Messenger to carry papers to Confederate Women's Home, D. W. Campbell.

Messenger to carry papers to Confederate Men's Home, W. A. Gustavus.

Chief Operator voting machine, Lawrence Ledbetter.

Assistant Operator for voting machine, A. M. Gribble.

Clerk to Contingent Expense Committee, Jessie Neal.

Telephone and Telegraph Clerk, John D. Rogers.

Page to Calendar Clerk, Hugh Smith.

Maid to ladies' rest room, Lulu Gilbert.

STENOGRAPHERS APPOINTED.

The Speaker announced the appointment of the following stenographers:

Lorna Hatch, Gertrude Tucker, Erin J. Couch, Gladys DeBerry, Mabelle Harn, Edna Stone, Lina Jenkins, Ellen Marshall, Lodusky Reynolds, Lila Smith, Frances Craighead, Bob Andress, Thetis Patterson, Fannye Moore, Ruth Scott, Edna Sherman, Pearl Williams, Mabel Kreiling, Effie Redmond, Rebecca Harlan, Ruby Turpin, Helen Bradshaw, Pearl Creed, Mallie Plemons, Mae Witherspoon, Mildred Pinckney, Adeline Blakeney, Marguerite Wilson, Anne Allison, Helen Moore, Lois Johnson, Calvin Aldrich.

PORTERS APPOINTED.

The Speaker announced the appointment of the following porters:

George Hunt, Head Porter; Henry Blair, Madison Dabney, M. T. Piper, Lewis Gilbert, Tom Kincheon, Jr., Rufus Pope, Isaiah Smith, Andrew Lasha, Matthew Walton, R. D. Gilmore, John A. White.

TO PROVIDE FOR A JOINT SESSION OF CERTAIN HOUSE AND SENATE COMMITTEES.

The Speaker laid before the House, as unfinished business, for consideration at this time, House concurrent resolution No. 2, Providing for a joint session of the House Committee on Oil, Gas and Mining, with the Senate Committee on State Affairs, for the purpose of considering oil conservation matters, with substitute resolution by Mr. Graves, pending.

Mr. Graves withdrew the substitute resolution.

Mr. McGill offered the following amendment to the resolution:

Amend resolution, House Journal pages 8 and 9, by striking out the words "such witnesses attending" and insert in lieu thereof "witnesses compelled to attend sessions of the committee."

Mr. Sanders moved that further consideration of the resolution be postponed indefinitely.

Mr. Morse moved the previous question on the pending amendment and the motion to postpone indefinitely, and the main question was ordered.

Question first recurring on the amendment by Mr. McGill, it was adopted.

Question next recurring on the motion to postpone the resolution indefinitely, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—64.

Mr. Speaker.	Cox of Limestone.
Adams of Harris.	DeWolfe.
Adams of Jasper.	Dwyer.
Alsup.	Englehard.
Bounds.	Ferguson.
Boyd.	Finn.
Bradley.	Fisher.
Bryant.	Forbes.
Burns	Ford.
of McCulloch.	Gilbert.
Caven.	Graves.

Grogan.	Metcalf.
Hatchitt.	Morse.
Hill.	Munson.
Holder.	Murphy.
Howsley.	Nicholson.
Hubbard.	O'Quinn.
Hughes.	Patterson.
Johnson	Petsch.
of Dimmit.	Ratliff.
Johnson of Morris.	Reader.
Jones of Shelby.	Rountree.
Justiss.	Sanders.
Kayton.	Savage.
Keller.	Shelton.
Kennedy.	Sherrill.
Lee.	Steward.
Lemens.	Strong.
Leonard.	Sullivant.
Lilley.	Turner.
McCombs.	Van Zandt.
Martin.	Wagstaff.
Mathis.	Weinert.

Nays—62.

Adamson.	Holland.
Adkins.	Holloway.
Akin.	Hoskins.
Albritton.	Johnson
Baker.	of Dallam.
Barron.	Jones of Atascosa.
Bedford.	Laird.
Brice.	Lasseter.
Brooks.	Lockhart.
Burns of Walker.	Long.
Carpenter.	McGill.
Coltrin.	McGregor.
Coombes.	Magee.
Cox of Lamar.	Moffett.
Cunningham.	Olsen.
Dale.	Ramsey.
Daniel.	Ray.
Davis.	Rogers.
Donnell.	Satterwhite.
Dowell.	Scott.
Elliott.	Smith of Wood.
Farrar.	Sparkman.
Fuchs.	Stephens.
Giles.	Stevenson.
Goodman.	Terrell
Greathouse.	of Cherokee.
Hanson.	Towery.
Hardy.	Veatch.
Harrison	Walker.
of Waller.	West of Coryell.
Hefley.	Wyatt.
Herzik.	Young.
Hines.	

Absent.

Anderson.	Jackson.
Dodd.	Mehl.
Dunlap.	Pope.
Duvall.	Richardson.
Harman.	Smith of Bastrop.
Harrison	Terrell
of El Paso.	of Val Verde.

Vaughan. West of Cameron.
Warwick. Wiggs.

Absent—Excused.

Beck. McDougald.
Bond. Moore.
Claunch. Tarwater.
Farmer. Westbrook.

Mr. Petsch moved to reconsider the vote by which the resolution was postponed indefinitely and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—64.

Mr. Speaker.	Kayton.
Adams of Harris.	Keller.
Adams of Jasper.	Kennedy.
Alsup.	Lee.
Bounds.	Lemens.
Boyd.	Lilley.
Bradley.	McCombs.
Bryant.	Martin.
Burns	Mathis.
of McCulloch.	Metcalfe.
Caven.	Morse.
Cox of Limestone.	Munson.
DeWolfe.	Murphy.
Dwyer.	Nicholson.
Ferguson.	O'Quinn.
Finn.	Patterson.
Fisher.	Petsch.
Forbes.	Ratliff.
Ford.	Reader.
Gilbert.	Rountree.
Goodman.	Sanders.
Graves.	Savage.
Grogan.	Shelton.
Hatchitt.	Sherrill.
Hill.	Sparkman.
Holder.	Stevenson.
Howsley.	Steward.
Hubbard.	Strong.
Hughes.	Sullivan.
Johnson	Turner.
of Dimmit.	Van Zandt.
Johnson of Morris.	Wagstaff.
Jones of Shelby.	Weinert.

Nays—62.

Adamson.	Brooks.
Adkins.	Burns of Walker.
Akin.	Carpenter.
Albritton.	Coltrin.
Anderson.	Coombes.
Baker.	Cox of Lamar.
Barron.	Cunningham.
Bedford.	Dale.
Brice.	Daniel.

Davis.	Laird.
Donnell.	Lasseter.
Dowell.	Leonard.
Elliott.	Lockhart.
Englehard.	Long.
Farrar.	McGill.
Fuchs.	McGregor.
Giles.	Magee.
Greathouse.	Moffett.
Hanson.	Olsen.
Hardy.	Ramsey.
Harrison	Ray.
of Waller.	Rogers.
Hefley.	Satterwhite.
Herzik.	Scott.
Hines.	Smith of Wood.
Holland.	Stephens.
Holloway.	Towery.
Hoskins.	Veatch.
Johnson	Walker.
of Dallam.	West of Coryell.
Jones of Atascosa.	Wyatt.
Justiss.	Young.

Absent.

Dodd.	Richardson.
Dunlap.	Smith of Bastrop.
Duvall.	Terrell
Harman.	of Cherokee.
Harrison	Terrell of Val Verde.
of El Paso.	Vaughan.
Jackson.	Warwick.
Mehl.	West of Cameron.
Pope.	Wiggs.

Absent—Excused.

Beck.	McDougald.
Bond.	Moore.
Claunch.	Tarwater.
Farmer.	Westbrook.

Reason for Vote.

I vote to indefinitely postpone consideration of House concurrent resolution No. 2, because I consider it the business of the courts to investigate, of the Legislature to legislate.

BRYANT.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, July 15, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 1, A bill to be entitled

"An Act making an appropriation of the sum of one hundred and fifty thousand dollars (\$150,000), or so much thereof as may be necessary, out of the general revenues, to pay the per diem and mileage of members, the per diem of officers and employes and the contingent expenses of the First Called Session of the Forty-second Legislature of the State of Texas."

Respectfully,
BOB BARKER,
Secretary of the Senate.

HOUSE BILL ON FIRST READING.

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Richardson:

H. B. No. 2, A bill to be entitled "An Act to amend Article 6014 of the Revised Civil Statutes of the State of Texas, General and Special Laws of the Forty-first Legislature, relating to the production and distribution of oil, and declaring an emergency."

Referred to Committee on Oil, Gas and Mining.

ADJOURNMENT.

Mr. Anderson moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Savage moved that the House recess to 2 o'clock p. m. today.

The motion of Mr. Anderson prevailed and the House, accordingly, at 12:10 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, July 15, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of one hundred and fifty thousand dollars (\$150,000), or so much thereof as may be necessary, out of the general revenues, to pay the per diem and mileage of members, the per diem of officers and employes, and the contingent expenses of the First Called Session of the Forty-second Legislature of the State of Texas convened on the 14th day of July, 1931, by proclamation of the Governor; to supplement the like appropriation of the Regular Session of said Legislature; to pay any unpaid vouchers or warrants held by members, officers or employes of the Regular Session of said Legislature; to pay any unpaid claims and accounts of members, officers or employes of said session or of other persons, authorized either by the Senate or the House of Representatives; to pay any and all sums for whatever purpose authorized to be expended by concurrent resolution of the Forty-second Legislature at its Regular Session; to pay the per diem of members, officers or employes for pre-session and post-session work of the First Called Session of said Forty-second Legislature; providing how accounts may be approved and audited, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

In Memory
of
Hon. August Von Haxthausen, Sr.

Mr. Bradley offered the following resolution:

Whereas, On Tuesday, July 9, 1931, Hon. August Von Haxthausen, Sr., of Harris county, Texas, formerly a member of this body, was called to his eternal reward at his home in Spring Branch, Texas; and

Whereas, Throughout his life he faithfully performed his duties as a private citizen and rendered outstanding service to his community and State; and

Whereas, The members of this body are deeply grieved over the death of this public-spirited citizen and faithful former member of this body; now, therefore, be it

Resolved by the House of Representatives of the Forty-second Legislature, That we extend our most sincere sympathy to the family of the said Hon. August Von Haxthausen; that a copy of this resolution be spread upon the Journal of the House; that copies be furnished the family of the deceased, and that when we adjourn today it be in his memory.

BRADLEY,
MORSE,
MATHIS,
ADAMS of Harris,
HOLLAND.

The resolution was read second time, and was adopted by a rising vote.